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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,681	01/29/2001	Nils B. Lahr	39565A	5436
22206	7590	11/15/2004	EXAMINER	
FELLERS SNIDER BLANKENSHIP BAILEY & TIPPENS THE KENNEDY BUILDING 321 SOUTH BOSTON SUITE 800 TULSA, OK 74103-3318			ISMAIL, SHAWKI SAIF	
			ART UNIT	PAPER NUMBER
			2155	
DATE MAILED: 11/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/770,681

Applicant(s)

LAHR, NILS B.

Examiner

Shawki S Ismail

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Detailed Action***

1. This communication is responsive to the amendment received on August 24, 2004. Claims 1 and 4-12 have been amended. Claim 13 has been newly added. Claims 1-13 are pending examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over by **Chaddha et al.**, U.S. Patent No. **6,151,632** in view of **Baker et al.**, U.S. Patent No. **5,583,561**.

4. As to claim 1, Chaddha teaches a system for duplicating data in a distributed data delivery network, comprising.

a data distributor (recast server 320, col. 6, lines 29-48), adapted to receive non-compressed multimedia data from a data source (source 302, col. 6, lines 29-34) and deliver said data to at least one edge server (i.e. secondary server) directly serving at least one user in said distributed data delivery network (network 300),  
and at least one of the following:

a first encoder (encoding server 304 col. 6, lines 29-48), adapted to encode said non-compressed multimedia data and provide encoded multimedia data to said non-

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compressed multimedia data distributor, which is adapted to deliver said encoded multimedia data along with said non-compressed multimedia data to said at least one edge server.

Chaddha does not specifically teach non-compressed multimedia data. Baker taught a video library as a source for non-compressed multimedia data (col. 7, lines 23-26).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate an uncompressed video library to expand utility of the recaster. The techniques of data distribution would equally be applied for non-compressed data.

5. As to claim 2, Chaddha teaches the system claimed above, further comprising said first encoder (encoding server 304, col. 6, lines 29-48, Chaddha discloses an encoding server for encoding the video into a number of different bandwidth points, and associated indexes).

Chaddha does not specifically teach non-compressed multimedia data. Baker taught a video library as a source for non-compressed multimedia data (col. 7, lines 23-26).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate an uncompressed video library to expand utility of the recaster. The techniques of data distribution would equally be applied for non-compressed data.

6. As to claim 4, Chaddha teaches the system claimed above, further comprising a

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data storage associated with at least one edge server and adapted to store said non-compressed multimedia data and said encoded multimedia data (mass storage 104, col. 1, lines 44-61, Chaddha discloses a mass storage devices used to store a number of video frames).

Chaddha does not specifically teach non-compressed multimedia data. Baker taught a video library as a source for non-compressed multimedia data (col. 7, lines 23-26).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate an uncompressed video library to expand utility of the recaster. The techniques of data distribution would equally be applied for non-compressed data.

7. As to claim 5, Chaddha teaches the system as in claim 1, further comprising a data provider (secondary server 350 and 360, col. 6, lines 49-56, Chaddha discloses a secondary server that provides the video files to clients), adapted to provide one of said non-compressed multimedia data and said encoded multimedia data from at least one edge server to said user in response to a request from said user (clients 352, 354, 356, 362, and 364. col. 6, lines 49-56).

Chaddha does not specifically teach non-compressed multimedia data. Baker taught a video library as a source for non-compressed multimedia data (col. 7, lines 23-26).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate an uncompressed video library to expand utility of

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the recaster. The techniques of data distribution would equally be applied for non-compressed data.

8. As to claim 6 and 12, they have combined limitations of claims 4 and 5; therefore they are rejected under the same rationale.

9. As to claim 7, Chaddha teaches a system for duplicating data in a distributed data delivery network, comprising:

Receiving non-compressed multimedia data from a data source (source 302, col. 6, lines 29-34), and delivering said non-compressed multimedia data to at least one edge server directly serving at least one user in said distributed data delivery network (network 300); and at least one of the following:

Encoding said non-compressed multimedia data and providing encoded data to said data distributor (recastserver 320, col. 6, lines 29-48, which is adapted to deliver said encoded multimedia data along with said non-compressed multimedia data to at least one server.

Chaddha does not specifically teach non-compressed multimedia data. Baker taught a video library as a source for non-compressed multimedia data (col. 7, lines 23-26).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate an uncompressed video library to expand utility of the recaster. The techniques of data distribution would equally be applied for non-compressed data.

10. As to claim 8, it has similar limitations of claim 2; therefore it is rejected under the same rationale.

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11. As to claim 10, it has similar limitations of claim 4; therefore it is rejected under the same rationale.

12. As to claim 11, it has similar limitations of claim 5; therefore it is rejected under the same rationale.

13. As to claim 13, Chaddha teaches a system comprising:

a distributed data delivery network (recast server 320, col. 6, lines 29-48); and means for delivery of non-compressed multimedia data to at least one edge server (i.e. secondary server) directly serving at least one user in said distributed data delivery network (network 300).

Chaddha does not specifically teach non-compressed multimedia data. Baker taught a video library as a source for non-compressed multimedia data (col. 7, lines 23-26).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate an uncompressed video library to expand utility of the recaster. The techniques of data distribution would equally be applied for non-compressed data.

14. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chaddha et al.**, U.S. Patent No. **6,151,632** and in view of **de Vries et al.**, U.S. Patent No. **6,704,738**.

15. As to claim 3 and 9, Chaddha and Baker teach the system for duplicating non-compressed multimedia data in a data delivery network as shown above. Chaddha

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does not explicitly teach a second encoder which performs the encoding after the data distribution.

de Vries teaches a secondary server associated with at least one server and adapted to encode the data delivered by the data distributor to provide encoded data (encoder 36, col. 12, line 53 - col. 13, line 32, de Vries discloses a second encoder used for encoding after the distribution of data to the media database server 24).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the inventions of Chaddha and de Vries to incorporate a second encoder after the distribution of data to allow the information to be sent to appropriate clients in an efficient and timely manner (col. 13, lines 34-37).

### ***Response to arguments***

16. Applicant's arguments filed have been fully considered but are moot in view of the new ground(s) of rejection.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail  
Patent Examiner  
November 10, 2004

  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**